

REMARKS

This responds to the Office Action mailed on May 17, 2005. Claims 7, 8, 11, and 13-20 are amended, and no claims are canceled or added; as a result, claims 1-20 remain pending in this application. The amendments to the claims are not in response to an art rejection, rather the amendments clarify aspects that were inherent in the claims as previously presented. Thus Applicant believes the amendments are not narrowing amendments.

Double Patenting Rejection

Claims 1-20 were rejected under the judicially created doctrine of double patenting over claims 1-15 of U.S. Patent No. 6,778,993. Applicant does not admit that the claims would improperly extend the "right to exclude" already granted in U.S. Patent No. 6,778,993 as asserted in the rejection. However, Applicant will consider filing a Terminal Disclaimer when all claims are indicated to be otherwise allowable.

§101 Rejection of the Claims

Claims 7-12, and 17-20 were rejected under 35 U.S.C. §101 because they do not meet the utility requirements of 35 U.S.C. 101. This rejection is respectfully traversed.

The Office Action states that claims 7-12 recite "mere non-functional descriptive material." Applicant respectfully disagrees with this interpretation of the claims. Claims 7-12 recite various aspects of a machine-readable media having one or more database data structures stored on the machine-readable media. MPEP 2106 IV B 1 (a) specifically indicates that such claims are statutory, stating:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. (emphasis added)

Thus the MPEP specifically recognizes that data structures are functional descriptive material.

The MPEP further states:

Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*. *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). (emphasis added)

Claims 7-12 recite a machine-readable medium having data structures recorded on the medium. As discussed above by the MPEP, data structures recorded on such media are structurally and functionally interrelated to the medium and will be statutory in most cases. Claims 7-12 are precisely the type of claims indicated as statutory by the MPEP.

With respect to claims 17-20, the Office Action states that the claims "merely recite an abstract idea that could be performed in the mind of a person." Applicant respectfully submits that "storing a listing in a database table" is not an abstract idea that could be performed in the mind of a person. However, in order to clarify what was inherent in the claims, Applicant has amended claims 17-20 to indicate that the method is a computer-implemented method. Thus claims 17-20 apply, involve the use of, and advance the technological arts. Therefore claims 17-20 are clearly statutory under 35 U.S.C. 101.

Additionally, claims 7-12 and 17-20 involve a "useful, concrete and tangible result." In particular the claims involve the structure and maintenance of one or more database tables. For the reasons discussed above, Applicant submits that claims 7-12 and 17-20 are statutory under 35 U.S.C. 101. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 7-12 and 17-20.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

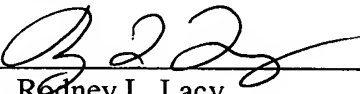
Respectfully submitted,

HSIAOZHANG BILL WANG

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-373-6954

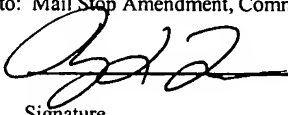
Date August 17, 2005

By 
Rodney L. Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of August, 2005.

Rodney L. Lacy

Name


Signature